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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,672	06/27/2001	Byron L. Bemis	24913A	6954
22889	7590	11/06/2003	EXAMINER	
OWENS CORNING 2790 COLUMBUS ROAD GRANVILLE, OH 43023			HALPERN, MARK	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary	Application No. 09/894,672	Applicant(s) BEMIS, BYRON L.	
	Examiner Mark Halpern	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 20-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1) Applicant's election with traverse of invention of Group I, drawn on claims 1-19, 24, in Paper received 10/2/2003, is acknowledged. The traversal is on the ground(s) that the subject matter is sufficiently related and the search is similar. This is not found persuasive because the search is not co-extensive.

The requirement is still deemed proper and is therefore made FINAL.

Claims 20-23, are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

2) Acknowledgement is made of Petition to Add Inventors received 3/4/2003.

Oath/Declaration

3) Amended Oath is required from the additional inventors including an indication that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 4) Claims 1-11, 13-19, 24, are rejected under 35 U.S.C. 102(e) as being anticipated by Sullivan (6,272,887).

The applied reference has common inventors with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Claims 1, 4, 6-7, 10, 13-17, 24: Sullivan discloses a bushing tip plate assembly for a bushing in a filament forming apparatus (Abstract). The apparatus is a bushing 100 that includes a bottom tip plate 110 equipped with tips or nozzles. The bushing includes an inverted-V screen 120 located between dividers 210 and 212. The screen 120 is supported by screen support gusset 122. The support gusset 122 is welded to the bottom tip plate and the screen 120. The support gusset 122 reads on the claimed first portion of a body. The screen support 120 with the inverted-V reads on the claimed second portion having a variable height and an apex. The screen support gusset 122 includes perforations 124 (col. 5, lines 17-65, and Figures 4, 5). The

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support gusset 122 and the screen support 120 extend in the width direction of the tip plate 110 to provide structural stiffness to the bottom tip plate assembly (col. 4, lines 1-47, col. 5, lines 5-11).

Claims 2, 18: the reinforcement member is made of a single piece of material as defined in specification and present Figure 5a. Sullivan's support gusset 122 shows the above claimed feature.

Claims 3, 8-9: the support gusset 122 reads on the claimed first portion of a body. The screen support 120 with the inverted-V reads on the claimed second portion. The support gusset 122 and screen 120 form a T-shaped cross-section (Figures 4, 5).

Claim 5: the gusset 122 and screen 120 have a length and a midpoint, wherein the apex is located substantially at the midpoint (Figures 4, 5).

Claims 11, 19: the support gusset 122 is a web welded to the screen 120.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5) Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Makarov (SU 618346). Sullivan is applied as above for claim 1, Sullivan fails to disclose a reinforcement member wherein the second portion of the body includes at

least two apexes. Makarov discloses a molten glass feeder used in fiber production. Said feeder includes a corrugated strainer that is constructed of three apexes attached to first portion 4, 5 (Makarov, Abstract and Figures 1, 2). The corrugated strainer reads on claimed second portion attached to first portion having at least two apexes. It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Sullivan and Makarov because such a combination would provide longer service to the bushing assembly of Sullivan as disclosed by Makarov (Abstract).

Conclusion

6) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 703-305-4522. The examiner can normally be reached on Mon-Fri, (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703-308-1164. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



Mark Halpern
Patent Examiner
Art Unit 1731